

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

BARTOLOME, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
VS.	§	CIVIL ACTION NO. H-04-3898
	§	
UNITED STATES OF AMERICA, <i>et al.</i> ,	§	
	§	
Defendants.	§	

MEMORANDUM AND ORDER

By Memorandum and Order dated March 29, 2006, the Court dismissed Plaintiffs' claims against the United States, due to Plaintiffs' failure timely to serve process. Plaintiffs subsequently moved for reconsideration of the dismissal, which the Court denied as to the United States. (*See* Memorandum and Order dated May 8, 2006 (Docket No. 17).) Plaintiffs now move to reinstate the United States as a Defendant, arguing that the United States was served with process in February and March 2005 and again in March 2006.

Plaintiffs' motion is, in effect, another motion for reconsideration of the March 29 Order. "[S]uch a motion is not the proper vehicle for rehashing evidence, legal theories, or arguments that could have been offered or raised before the entry of judgment." *Templet v. HydroChem Inc.*, 367 F.3d 473, 478-79 (5th Cir. 2004), *cert. denied*, 543 U.S. 976 (2005). Rather, FED. R. CIV. P. 59(e) "serve[s] the narrow purpose of allowing a party to correct manifest errors of law or fact or to present newly discovered evidence." *Waltman v. Int'l Paper Co.*, 875 F.2d 468, 473 (5th Cir. 1989) (internal quotation marks omitted). Because Plaintiffs' motion includes no evidence or argument that could not

have been presented on either of the previous two occasions upon which this Court has considered the issue, the motion, Docket No. 26, is hereby **DENIED**.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 21st day of July, 2006.

A handwritten signature in black ink, appearing to read "Keith P. Ellison", written over a horizontal line.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**